

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

MARIA DALBOTEN,

Plaintiff,

vs.

C.R. BARD, INC. and BARD  
PERIPHERAL VASCULAR, INC.,

Defendants.

CV 20-34-BLG-SPW

ORDER

The parties have submitted a number of deposition excerpts in advance of trial.

This order sets forth the Court's ruling on a portion of theses objections in those excerpts. Additional orders ruling on the remaining objections will follow.

**A. Dr. Raluca Arimie Deposition – August 18, 2021**

1. 12:07-12:09 – overruled
2. 21:23-22:04 – overruled
3. 23:06-23:13 – overruled as to 23:06-23:09; sustained as to 23:10-23:13,  
relevancy
4. 23:18-23:21 – sustained, relevancy

5. 23:23 – sustained, relevancy
6. 23:25-24:02 – sustained, relevancy
7. 24:04 – sustained, relevancy
8. 45:14-45:15 – sustained, probably a designation error by Plaintiff – if she means 45:13-45:14, the Court will allow that testimony
9. 49:19-49:25 – sustained
10. 58:07-58:12 – overruled
11. 62:16-63:11 – overruled
12. 64:17-65:04 – sustained, leading
13. 71:23 – overruled
14. 71:25 – overruled
15. 72:17-73:05 – overruled
16. 73:09-73:11 – overruled
17. 73:12-74:05 – overruled
18. 74:09-74:13 – overruled
19. 76:18-77:06 – overruled
20. 89:08-89:23 – sustained as to 89:22-89:23
21. 90:05-90:17 – sustained as to 90:16-90:17, leading
22. 99:22-100:02 – overruled – doesn't call for an opinion
23. 100:04 – overruled – doesn't call for an opinion

24. 100:06-100:10 – overruled – doesn't call for an opinion
25. 100:12 – overruled – doesn't call for an opinion
26. 100:14-100:21 – overruled – doesn't call for an opinion
27. 100:23 – overruled – doesn't call for an opinion
28. 101:19-101:21 – overruled
29. 101:23 – overruled
30. 101:25-102:05 – overruled – doesn't call for an opinion
31. 101:07 – overruled – doesn't call for an opinion
32. 102:15-102:21 – overruled – doesn't call for an opinion
33. 103:14-103:19 – overruled – doesn't call for an opinion
34. 115:14-115:24 – overruled – bears directly on witness's treatment of Plaintiff
35. 118:06-118:13 – overruled – bears directly on witness's treatment of Plaintiff
36. 118:16 – overruled – bears directly on witness's treatment of Plaintiff
37. 120:23-121:12 – overruled – bears directly on witness's treatment of Plaintiff
38. 121:14-121:15 – overruled – bears directly on witness's treatment of Plaintiff

39. 122:19-123:11 – overruled – bears directly on witness's treatment of

Plaintiff

**B. Nahush Mokadam Deposition – July 29, 2021**

1. 21:05 – sustained
2. 21:07-21:10 - sustained
3. 26:05-26:23 – overruled
4. 81:23-82:03 – overruled
5. 91:01-91:03 – overruled
6. 94:24-95:14 – sustained, relevancy
7. 98:17-98:21 – sustained – question goes beyond asking if witness is aware of Plaintiff's current condition
8. 105:21-106:08 – overruled as to 105:21-105:25; Plaintiff's counsel withdrew the question @ 106:01-106:08 in the deposition
9. 107:09-107:17 – sustained, Rule 602 and beyond the scope of witness's care of Plaintiff
10. 107:20-108:18 – sustained, Rule 602 and beyond the scope of witness's care of Plaintiff
11. 108:22 – sustained, Rule 602 and beyond the scope of witness's care of Plaintiff

12. 108:24-108:25 – sustained, Rule 602 and beyond the scope of witness's  
care of Plaintiff

13. 109:03-109:21 – sustained, Rule 602 and beyond the scope of witness's  
care of Plaintiff

14. 109:24-110:12 – sustained, Rule 602 and beyond the scope of witness's  
care of Plaintiff

15. 110:15-110:24 – sustained, relevancy

**C. Dr. Rober Suh Deposition – August 19, 2021**

1. 21:02-21:04 – objection has been resolved

2. 77:18-77:22 – overruled

3. 77:24-78:05 – overruled

4. 78:07-78:09 – overruled

5. 78:11-78:14 – overruled

6. 79:19-79:23 – sustained, relevancy

7. 80:02-80:05 – sustained, relevancy

8. 80:08 – sustained, relevancy

9. 80:12-80:14 – sustained, relevancy

10. 80:16 – sustained, relevancy

11. 80:18-80:19 – sustained, relevancy

12. 80:24-81:02 – sustained, relevancy

13. 82:19-83:01 – Plaintiff will withdraw? – see 6. Above
14. 85:24-87:02 – overruled
15. 88:15- overruled
16. 88:16-88:22 – overruled
17. 89:01-89:07 – overruled
18. 89:17-90:04 – overruled
19. 90:07-90:09 – overruled
20. 91:08-91:14 – overruled
21. 91:16-91:23 – overruled
22. 91:25 – overruled
23. 94:04-94:07 – overruled
24. 94:09-94:10 – overruled
25. 94:12-94:16 – overruled
26. 94:18-94:19 – overruled
27. 95:04-95:10 – overruled
28. 95:12-95:13 – overruled
29. 96:09-96:14 – overruled
30. 96:16 – overruled
31. 97:05-97:07 – overruled
32. 97:09-97:15 – overruled

33. 97:17 – overruled

34. 97:19-98:03 – overruled

35. 98:05-98:06 - overruled

36. 101:13-107:08 – sustained – questions are regarding an article the witness read in preparation for the deposition “to bring him current on some of the developments and some of the issues relating to filters . . .”, relevancy, articles published after 2009, see 110:18-110:22

37. 108:11-108:15 – overruled

38. 108:17-108:22 – overruled

39. 108:25-109:16 – overruled

40. 109:18 – overruled

41. 109:20 – sustained for reasons stated in the objection, also, see 36.

42. 109:25-110:05 – sustained, see 41 and 36

43. 110:09-110:22 – sustained, see 41 and 36

44. 110:23-111:03 – sustained, see 41 and 36

45. 111:05-111:14 – sustained, see 41 and 36

46. 111:16 – sustained, see 41 and 36

47. 111:23-112:05 – sustained, see 41 and 36

48. 112:07 – sustained, see 41 and 36

49. 112:17-112:18 – sustained, see 41 and 36

50. 112:21-113:24 – sustained, see 41 and 36

51. 114:01 – sustained, see 41 and 36

52. 114:03-114:14 – overruled

53. 114:16-114:21 – overruled

54. 114:23-114:25 – overruled

55. 115:09-115:20 – sustained, see 41 and 36

56. 120:09-120:16 - sustained, relevancy

57. 120:18 - sustained, relevancy

58. 120:20-120:22 – sustained, relevancy

59. 120:25 – sustained, relevancy

60. 144:21-144:25 – overruled

61. 145:02-145:05 – overruled

62. 146:07-146:08 – sustained, leading

63. 146:21-146:23 – overruled

64. 146:25-147:05 – overruled

65. 147:07-147:11 – sustained, leading

66. 147:07-147:18 – sustained, relevancy

67. 148:21-149:02 – sustained, beyond the scope of the witness's care of Plaintiff

Plaintiff

68. 149:05 – sustained, beyond the scope of the witness's care of Plaintiff

The clerk is directed to notify counsel of the entry of this Order.

DATED this 1<sup>st</sup> day of March, 2023.

  
SUSAN P. WATTERS  
United States District Judge